DISTRICT OF COLUMBIA RENTAL HOUSING COMMISSION

TP 27,067

In re: 1801 16th Street, N.W.

Ward One (1)

PINNACLE REALTY MANAGEMENT
Housing Provider/Appellant

v.

PATRICK DOYLE, et al
Tenant/Appellees

DECISION AND ORDER

August 8, 2008

PER CURIAM. This case is on appeal from the District of Columbia Department of Consumer and Regulatory Affairs (DCRA), Rental Accommodations and Conversion Division (RACD), to the Rental Housing Commission (Commission). The applicable provisions of the Rental Housing Act of 1985 (Act), D.C. Law 6-10, D.C. OFFICIAL CODE §§ 42-3501.01-3509.07 (2001), the District of Columbia Administrative Procedure Act (DCAPA), D.C. OFFICIAL CODE §§ 2-501-510 (2001) and the District of Columbia Municipal Regulations, 14 DCMR §§ 3800-4399 (2004), govern these proceedings.

I. PROCEDURAL HISTORY

Patrick Doyle, tenant of the housing accommodation located at 1801 16th Street, N.W., filed Tenant Petition (TP) 27,067 on behalf of the Somerset Tenants Association[1], on March 30, 2001. In the petition, the tenants alleged that the housing provider

[1] In accordance with 14 DCMR § 3812.1 (d) (2004), "[a] member selected by the members of an association or an employee of the association, a group of tenants or non-profit corporation may represent the association, group or non-profit corporation [.]"

permanently reduced services and facilities by closing the roof deck that was previously available for use by the tenants. The tenants sought to have their rent reduced by fifteen percent (15%), and for the reduction to be retro-active to June, 1998. On August 9, 2001, an Office of Adjudication (OAD) hearing was held, with Hearing Examiner Terry Michael Banks presiding. The hearing examiner issued his Decision and Order on September 7, 2001. In his Decision and Order, the hearing examiner found the following:

> Tenant Petition (TP) 27,067 was filed with RACD on March 30, 2001. Notice of the date, time and place of the hearing, 9:00 a.m. on August 9, 2001, was furnished to the parties in accordance with D.C Code Section 42-3502.16(c) (2001). Agency records indicate that notice of the hearing was mailed to the parties at the addresses indicated in the petition. Therefore, both parties had proper notice of the hearing. The petitioner failed to appear at the hearing.

Doyle v. Pinnacle Mgmt. Co., TP 27,067 (OAD Sept. 7, 2007) at 1.

Because the tenants failed to appear at the OAD hearing, the hearing examiner dismissed the petition in TP 27,067 with prejudice. The tenants filed a Motion for Reconsideration of the hearing examiner's decision and order with OAD on September 12, 2001. In the motion, the tenant stated: "[I] did not receive the initial hearing notice that was mailed to me at the above address on August 4th, 2001." The hearing examiner failed to rule on the motion, and it was denied by operation of law pursuant to 14 DCMR § 4013.5 (2004).[2]

The tenants filed a notice of appeal of the Decision and Order with the Commission. In the notice of appeal, the tenants maintained that (1) the Decision and Order contained technical errors, and (2) the tenants' failure to appear was the result of

[2] According to 14 DCMR § 4013.5 (2004), the "[F]ailure of a hearing examiner to act on a motion for reconsideration within the time limit prescribed by § 4013.2 shall constitute a denial of the motion for reconsideration."

circumstances beyond their control and upon failure to receive proper notice. Notice of Appeal at 1. The Commission determined that the notice to the tenants did not meet the requirements of D.C. OFFICIAL CODE § 42-3502.16(c) (2001), according to which:

> If a hearing is requested timely by either party, notice of the time and place of the hearing shall be furnished the parties by certified mail or other form of service which assures delivery at least 15 days before commencement of the hearing. The notice shall inform each of the parties of the party's right to retain legal counsel to represent the party at the hearing. (emphasis added).

The Commission concluded that the failure of the certified record to contain proof of delivery of the certified mail notice of the hearing to the tenants' representative prevented the Commission's determination that the tenants' representative received actual notice of the hearing by certified mail or other form of service that ensures delivery, as required by the Act and the DCAPA. Doyle v. Pinnacle Mgmt. Co., TP 27,067 (RHC Dec. 20, 2001) at 3-4. The Commission remanded the case for a hearing de novo. Id. at 4. The rehearing was held on March 18, 2003.

The hearing examiner issued a Decision and Order on August 15, 2003. Doyle v. Pinnacle Realty Mgmt., TP 27,067 (RACD Aug. 15, 2003). The Decision and Order contained the following findings of fact:

1. The Housing Accommodation is located at 1801 16th Street, N.W., Washington, D.C.

2. The Housing Accommodation is managed by Pinnacle Realty Management.

3. The Housing Accommodation has 84 rental units.

4. The Tenants presented no evidence that the leases for tenants of the Housing Accommodation make any reference to a roof deck or that any registration filed for the Housing Accommodation makes any reference to a roof deck.

5. The roof deck is not a related facility or service of the Housing Accommodation.

6. Services to units were not substantially reduced or eliminated.

7. The Tenant Petition was filed more than three (3) years after the removal of the roof deck.

8. The Tenants knew on July 1, 1997 that the roof deck was removed on July 1, 1997.

9. Several of the Tenants were informed by Ms. Ruth Kelly, the former resident manager, in the Fall of 1997, more than three (3) years before the filing of the petition, that the roof deck would not be reinstalled.

Decision and Order at 15-16. The hearing examiner made the following Conclusions of Law:

1. The Tenant Petitioners' claims are barred by the statute of limitations set forth at D.C. CODE § 42-3502.05(f) and 42-3506.02(e) (2001).

2. There is no basis for the award of any damages to Tenant Petitioners.

Id. at 16.

On September 3, 2003, the tenants filed a Notice of Appeal with the Commission. The tenants claimed that their claims were not barred by the statute of limitations, see D.C. CODE §§ 42-3502.05(f) and 3506.02(e) (2001), and that the roof deck was a related facility to the housing accommodation. Notice of Appeal at 2-3. Following a hearing held on January 20, 2004, the Commission issued its Decision and Order on August 2, 2005, in which it determined the following:

1. On the issue of whether the tenants association represented a majority of the tenants that lived in the housing accommodation, the Commission remanded the issue to the hearing examiner, and instructed the hearing examiner to review the proxies and issue findings of fact and conclusions of law.

2. On the issue of whether the action was barred by the statute of limitations, the Commission ruled that the statute began to run June 8, 1998 when the tenants were informed that the roof deck would not be rebuilt. Thus, the tenants brought the action within the three (3)-year period permitted by the statute.

3. On the issue of whether the removal of the roof deck constituted the removal of a "related facility," the Commission concluded that the roof deck was in fact a related facility that was permanently eliminated. The Commission remanded the issue to the hearing examiner to determine the value of the eliminated roof deck, and make findings of fact about the tenants' [rent] ceilings.

Doyle v. Pinnacle Realty Mgmt., TP 27,067 (RHC Aug. 2, 2005) (Decision).

The tenants filed a Motion for Reconsideration with the Commission, requesting the following:

1. That the Commission determine the number of units that were represented by the tenants association, instead of remanding the issue back to the hearing examiner.

2. That the language in the August 2, 2005 decision stating, "if the rent charged does not exceed the reduced ceiling the hearing examiner may award a rent rollback," be changed to "shall award a rollback." (emphasis added)

3. That instead of remanding the issue to the hearing examiner, the Commission determine which tenants are entitled to recover.

Motion for Reconsideration at 2-3.

On August 26, 2005, the Commission issued its Order on the Motion for Reconsideration. The Commission ordered that the hearing examiner "shall" award a rent rollback to the tenants, and denied the other issues. Doyle v. Pinnacle Realty Mgmt., TP 27,067 (RHC Aug. 26, 2005) (Order on Motion for Reconsideration) at 5. The tenants filed a Motion for Re-Reconsideration on September 1, 2005. The tenants requested that the Commission determine the number of units that the association represented, and who was entitled to recover. Motion for Re-Reconsideration at 1. On September 8, 2005, the Commission denied the motion pursuant to 14 DCMR § 3823.1 (2004), which provides that an order issued on reconsideration is not subject to reconsideration.

In response to the Commission's remand order of August 2, 2005, the RACD issued its Decision and Order on May 31, 2007, and made the following conclusions of law:

1. The Somerset Tenant's Association represents a majority of the tenants at the subject property and shall appear in the case caption as the Petitioner in this matter. A 28-member majority of the 53 member Somerset Tenant's Association authorized Petitioner Doyle to represent them by proxy at the subject March 1, 2003 hearing. Twenty-three, 23, [sic] of those tenants testified at said hearing. Each of the 23 tenants is identified in Findings of Fact 4.

2. The roof deck in question is a related facility, pursuant to Section 103(27) of the Act, as determined by RACD and affirmed by the Commission in prior proceedings concerning the permanent elimination of the roof deck at the subject property.

3. Respondent permanently eliminated Petitioners' roof deck related facility at the subject property, effective June 8, 1998, in violation of Sect. 211 of the Act, DC Official Code Sect. 42-3502.11 (2001) and 14 DCMR Sect. 4211 (1991).

4. Pursuant to Findings of Fact 7, Petitioners Teklehaimonot and Dalton were precluded from pursing their claims under the doctrine of res judicata. Petitioner Page was rejected for lack of standing.

5. In accordance with the Act, the applicable regulation and case law, rent increase certificates contained in the RACD Registration File for the subject property, and the Commission's instructions on remand, Petitioners are entitled to a rent refund as set forth in Findings of Fact 9 and 10.

6. Pursuant to Sect. 901 (a) of the Act, and applicable regulations and case law, Petitioners are entitled to roll back in their monthly rent charged, equal to the rent overcharge they suffered, for the period from April 2003 to the end of their respective tenancies, due to Respondent's violation of the Act.

7. The Examiner took official notice of the RACD Registration File for 1801 – 16th Street, NW, at the March 18, 2003 hearing, pursuant to 14 DCMR Sect 4007 (1991).

Doyle v. Pinnacle Realty Mgmt., TP 27,067 (RACD May 31, 2007) at 7-8. On June 13, 2007, the housing provider filed a Notice of Appeal with the Commission, appealing the

Rent Administrator's May 31, 2007 Decision and Order. The housing provider submitted an Amended Notice of Appeal on June 28, 2007. The Commission held a hearing on December 11, 2007.

II. PRELIMINARY ISSUES

On the date of the Commission's hearing, counsel for the tenants orally raised a Motion to Correct the Record. The tenants' counsel stated that the motion sought to correct, "numerous errors of a minor nature in the record itself." CD Recording (RHC Dec. 11, 2007). The tenants' counsel also submitted a similar written motion which stated: "Petitioner respectfully requests this hearing body to authorize the necessary corrections so that the record is complete and accurate." Motion to Correct the Record at 2. The issues raised in the tenants' motion appear to the Commission to be issues that should have been properly raised in a notice of appeal. The time for filing a notice of appeal lapsed ten (10) days after the May 7, 2007 final decision was issued by the Rent Administrator.

The Commission is required by law to dismiss appeals that are untimely filed. United States v. Robinson, 361 U.S. 209 (1960); Hija Lee Yu v. Dist. of Columbia Rental Hous. Comm'n, 505 A.2d 1310 (D.C. 1986); Totz v. Dist. of Columbia Rental Hous. Comm'n, 474 A.2d 827 (D.C. 1974). The Commission determines the time period between the issuance of the Rent Administrator's decision and the filing of the notice of appeal or motion for reconsideration by counting only business days, as required by its rules. See 14 DCMR § 3802.2 (2004); Town Center v. Dist. of Columbia Rental Hous. Comm'n, 496 A.2d 264 (D.C. 1985).

The Commission's rules state:

> No pleading or other documents shall be deemed filed until actually received at the Commission's office and compliance with time requirements shall be calculated from the date of actual receipt.

14 DCMR § 3801.2 (2004).

> A notice of appeal shall be filed by the aggrieved party within ten (10) days after a final decision of the Rent Administrator is issued; and if the decision is served by mail an additional three (3) days shall be allowed.

14 DCMR § 3802.2 (2004)

Accordingly, because the tenants did not file a notice of appeal in a timely manner as required by the Commission's rules, the Commission cannot decide these issues.

Therefore, the tenants' Motion to Correct the Record is denied.

III. ISSUES ON APPEAL

The housing provider raised the following issues on appeal:

A. The Acting Rent Administrator erred in determining the rent ceilings because no evidence of rent ceilings was introduced into the record and there are insufficient Findings of Fact or Conclusions of Law with respect to the rent ceilings appearing in the Decision.

B. The Acting Rent Administrator violated the D.C. Administrative Procedures [sic] Act because he relied on documents that were never served upon or provided to counsel for the Housing Provider, i.e., "proxies," as stated by counsel for the Housing Provider in the hearing in this case on record.

C. The Acting Rent Administrator erred because the claims of the Tenant/Petitioners in this case are barred by the applicable statute of limitations in view of the fact that the roof deck was permanently removed on July 1, 1997.

D. The Acting Rent Administrator erred because the roof deck is not a related facility or service, as that term is defined in the Rental Housing Act, nor was its use authorized by the payment of rent or referenced in the Tenant/Appellee case.

E. The Acting Rent Administrator erred because he failed to make sufficient Findings of Fact and Conclusions of Law with respect to the interest awarded.

F. The Acting Rent Administrator erred in determining rents charged to the tenants because in most cases the tenant did not testify or present evidence of rents charged during the relevant period.

Amended Notice of Appeal at 1-2.

IV. DISCUSSION OF THE ISSUES

A. [Whether] the Acting Rent Administrator erred in determining the rent ceilings because no evidence of rent ceilings was introduced into the record and there are insufficient Findings of Fact or Conclusions of Law with respect to the rent ceilings appearing in the Decision.

The housing provider contends that the Rent Administrator erred in determining the rent ceilings because "no evidence was introduced into the record and there are insufficient Findings of Fact or Conclusions of Law with respect to the rent ceilings appearing in the Decision." Notice of Appeal at 1. An administrative agency's decision must contain findings of fact supported by substantial evidence from the record regarding each factual issue, and the agency's conclusions of law must flow rationally from its findings. Murchison v. District of Columbia Dept. of Public Works, 813 A.2d 203 (D.C. 2002).

A review of the record reveals that evidence of the rent ceilings for each unit exists in the record. The evidence was entered into the record as Respondent's Exhibit 1. See Record (R.) at 105-262. The evidence of the 1998 rent ceilings was a Certificate of Election of Adjustment of General Applicability (Certificate) filed with the RACD on February 18, 1999 for the housing accommodation. Id. at 192-194. In his Decision and Order issued August 15, 2003, the hearing examiner accepted the Certificate into evidence, and stated:

> During his testimony, Mr. Levin also identified Respondent's Exhibits 2, 3, 4, and 5, which together with Respondent's Exhibit 1, were admitted into evidence. In

addition, following Mr. Levin's testimony, Petitioner's Exhibit 1 and 2 were admitted into evidence.

Doyle v. Pinnacle Realty Mgmt., TP 27,067 (RACD Aug. 15, 2003) at 10. Thus, the evidence relied upon by the hearing examiner in determining the rent ceilings was in fact entered into the record, and was introduced by the housing provider.

Furthermore, evidence is substantial if a reasonable trier of fact would find it adequate to support the conclusion that was made by the agency. Washington Canoe Club v. District of Columbia Zoning Comm'n, 889 A.2d 995 (D.C. 2005). Here, a reasonable trier of fact would reasonably find that the evidence of rent ceilings introduced by the housing provider and entered into the record as Respondent's Exhibit 1 supported the Rent Administrator's conclusion regarding the rent ceilings. Thus, the Rent Administrator's decision on the issue of rent ceilings is affirmed.

B. [Whether] the Acting Rent Administrator violated the D.C. Administrative Procedures [sic] Act because he relied on documents that were never served upon or provided to counsel for the Housing Provider, i.e., "proxies," as stated by counsel for the Housing Provider in the hearing in this case on record.

Pursuant to 14 DCMR § 3802.5 (2004), a notice of appeal before the Commission must contain "a clear and concise statement of the alleged error(s) in the decision of the Rent Administrator." In its appeal, the housing provider stated that "[t]he Acting Rent Administrator violated the D.C. Administrative Procedures [sic] Act because he relied upon documents which were never served upon or provided to counsel for the Housing Provider, i.e. 'proxies.'" Notice of Appeal at 1. The appeal made no allegation regarding the admissibility of the proxies, their introduction into evidence, or the source of the prohibition on the hearing examiner's consideration of them. At the March 18, 2003 RACD hearing, counsel for the housing provider stated to the hearing examiner,

"obviously I'm entitled to be given a copy of these, which I was not before today, but I don't know how you want to deal with it." Tape Recording (RACD Mar. 18, 2003). However, the housing provider did not object to the proxies being used as evidence. Regarding evidence at a hearing, RACD regulations state:

> Evidence at a hearing may be any information presented to the hearing examiner to prove facts at issue, and may include the testimony of witnesses, records, documents or other proof.

14 DCMR § 4009.1 (2004). The tenants were not required to serve the housing provider with the proxy evidence prior to the hearing. It is important to note that at the hearing, the housing provider also introduced evidence for the first time. Speaking of registration documents later introduced into the record as Respondent's Exhibit 1, counsel for the housing provider stated, "in fairness to Mr. Kilpatrick, he's seeing them for the first time." Tape Recording (RACD Mar. 18, 2003).

The Commission is unaware of any provision in the DCAPA or other applicable law that prevents a hearing examiner from relying on documents that were not served upon a housing provider prior to a hearing. Therefore, the Commission determines that the Rent Administrator did not violate the DCAPA in this issue. Accordingly, this appeal issue is denied.

C. [Whether] the Acting Rent Administrator erred because the claims of the Tenant/Petitioners in this case are barred by the applicable statute of limitations in view of the fact that the roof deck was permanently removed on July 1, 1997.

The housing provider submits that the "claims of the Tenants/Petitioners in this case are barred by the applicable statute of limitations in view of the fact that the roof deck was permanently removed on July 1, 1997." Notice of Appeal at 1. The statute of

limitations provision of the Act is found in D.C. OFFICIAL CODE § 42-3502.06(e) (2001), which provides the following:

> A tenant may challenge a rent adjustment implemented under any section of this chapter by filing a petition with the Rent Administrator under § 42-3502.16. No petition may be filed with respect to any rent adjustment, under any section of this chapter, more than 3 years after the effective date of the adjustment, except that a tenant must challenge the new base rent as provided in § 42-3501.03(4) within 6 months from the date the housing provider filed his base rent as required by this chapter.

"[T]he statute of limitations begins to run when a plaintiff either has actual knowledge of a cause of action or is charged with knowledge of that cause of action." Cevenini v. Archbishop of Washington, 707 A.2d 768, 771 (D.C. 1998).

Ruling on the statute of limitations issue in a previous case involving the same housing accommodation and the same allegation regarding the statute of limitations, the Commission held that the tenants did not have knowledge that the roof deck would not be rebuilt until June 8, 1998, when they were informed via a memorandum[3] issued by the housing provider. Pinnacle Realty Mgmt. Co. v. Voltz, TP 25,092 (RHC Mar. 4, 2004) at 14. Thus, for purposes of this appeal, the Commission determines that the statute of limitations did not begin to run until June 8, 1998. Since the tenants filed their petition on March 30, 2001, their filing was within the three (3) years permitted by the statute of limitations. As such, the tenants' claim is not barred by the statute of limitations, and the decision of the hearing examiner on this issue is affirmed.

D. [Whether] the Acting Rent Administrator erred because the roof deck is not a related facility or service, as that term is defined in the Rental Housing Act, nor was its use authorized by the payment of rent or referenced in the Tenant/Appellee case.

[3] The tenants entered the memorandum issued by the housing provider into evidence. The memorandum was entered as Petitioner's Exhibit 1, and stated, "Please be advised that the owner of the Somerset House has decided that due to liability issues the roof deck will not be installed."

At the March 18, 2003 RACD hearing, the housing provider argued that the roof deck was not listed as a related facility in the building's registration documents. The term related facility is defined in the Act § 42-3501.03(26) (2001), as:

> any facility furnishing, or equipment made available to the tenant by the housing provider, the use of which is authorized by the payment of rent charged for a rental unit, including any use of a kitchen, bath, laundry facility, parking facility, or, the common use of any common room, yard, or other common area.

In Voltz, supra, the Commission stated:

> It is irrelevant whether the facility is listed in the rental agreement between the tenant and the housing provider. The true concern is whether an individual who pays rent at a particular housing accommodation would be entitled to use that facility.

TP 25,092 at 9. At the hearing in the present case, the tenants testified that the roof deck was maintained by the housing provider, and made available for the tenants' use in conjunction with the payment of their rent. Tape Recording (RACD Mar. 18, 2003). At the hearing, twelve (12) of the tenants explained that the roof deck was represented to them as a related facility by the housing provider. Id.

In two previous cases, the Commission held that the removal of the roof deck at the 1801 16th Street, N.W., housing accommodation constituted the removal of a related facility. See, Pinnacle Realty Mgmt. Co. v. Voltz, supra; Pinnacle Realty Mgmt. Co. v. Marsh, supra. The Commission determines that the substantial evidence supporting the hearing examiner's determination that the roof deck was a related facility is identical to that in Pinnacle Realty Mgmt. Co. v. Voltz, supra, and Pinnacle Realty Mgmt. Co. v. Marsh, supra. The Commission's review of the record supports the hearing examiner's finding that the roof deck was a related facility that was permanently eliminated by the housing provider. The hearing examiner's decision on this issue is affirmed.

E. [Whether] the Acting Rent Administrator erred because he failed to make sufficient Findings of Fact and Conclusions of Law with respect to the interest awarded.

In his Decision and Order, the hearing examiner awarded interest in amounts ranging from $789-$986 to tenants receiving rent refunds. Doyle v. Pinnacle Realty Mgmt., TP 27,067 (RACD May 31, 2007) at 6. A chart in the decision lists the unit number, rent overcharge, number of months the tenant was overcharged, total overcharge, refund, and interest awarded. Id. Upon reviewing the decision, it is apparent to the Commission that the total overcharge was calculated by multiplying the rent overcharge by the number of months each tenant was overcharged. However, it is unclear to the Commission how the hearing examiner calculated the interest that was to be awarded to the tenants. In addition, the hearing examiner made no reference to the interest awarded in his conclusions of law. Id. at 7-8.

When a hearing examiner fails to provide an adequate explanation which clearly states why he decided a particular issue the way he did, it is necessary for the Commission to remand for proper findings of facts and conclusions of law. Hamilton House LTD. v. Tenants of N.H. Ave., N.W., TP 20,377 (RHC Jan. 4, 1989). Here, the hearing examiner did not provide a sufficient explanation as to how he arrived at the interest amounts. Consequently, this issue shall be remanded to the hearing examiner to make proper findings of fact and conclusions of law regarding the interest awarded.

F. [Whether] the Acting Rent Administrator erred in determining rents charged to the tenants because in most cases the tenant did not testify or present evidence of rents charged during the relevant period.

In its Amended Notice of Appeal, the housing provider states, "the Acting Rent Administrator erred because in most cases the tenant did not testify or present evidence of

rents charged during the relevant period." Amended Notice of Appeal at 2. As discussed in issue A supra, evidence of the rents charged to tenants exists in the Certificate entered into the record as Respondent's Exhibit 1. As such, the Rent Administrator's ruling on the rents charged to the tenants is affirmed.

V. CONCLUSION

Pursuant to 14 DCMR § 42-3502.16(h) (2004):

> The Rental Housing Commission may reverse, in whole or in part, any decision of the Rent Administrator which it finds to be arbitrary, capricious, an abuse of discretion, not in accordance with the provisions of this chapter, or unsupported by substantial evidence on the record of the proceedings before the Rent Administrator, or it may affirm, in whole or in part, the Rent Administrator's decision.

Based upon its review of the record, the Commission affirms the Rent Administrator's determination of the rent ceilings and rents charged, his consideration of the tenants' "proxies" as evidence, his determination that the tenants' claims are not barred by the applicable statute of limitations, and his finding that the roof deck was a "related facility." The Commission remands the interest awarded issue to the hearing examiner to issue findings of fact and conclusions of law regarding (1) his method of calculation and (2) the exact amounts of the interest awarded to the tenants.

Pursuant to 14 DCMR § 3822.2 (2004): "[A]ny case remanded by the Commission to the Rent Administrator shall receive expedited and priority treatment." Accordingly, the Commission's remand of this case shall receive expedited and priority treatment.

SO ORDERED

RONALD A. YOUNG, CHAIRMAN

DONATA EDWARDS, COMMISSIONER

MOTIONS FOR RECONSIDERATION

Pursuant to 14 DCMR § 3823 (2004), final decisions of the Commission are subject to reconsideration or modification. The Commission's rule, 14 DCMR § 3823.1 (2004), provides, "[a]ny party adversely affected by a decision of the Commission issued to dispose of the appeal may file a motion for reconsideration or modification with the Commission within ten (10) days of receipt of the decision."

JUDICIAL REVIEW

Pursuant to D.C. OFFICIAL CODE § 42-3502.19 (2001), "[a]ny person aggrieved by a decision by the Rental Housing Commission… may seek judicial review of the decision … by filing a petition for review in the District of Columbia Court of Appeals." Petitions for review of the Commission's decisions are filed in the District of Columbia Court of Appeals and are governed by Title III of the Rules of the District of Columbia Court of Appeals. The Court may be contacted at the following address and telephone number:

D.C. Court of Appeals
Office of the Clerk
500 Indiana Avenue, N.W., 6th Floor
Washington, D.C. 20001
(202) 879-2700

CERTIFICATE OF SERVICE

I certify that a copy of the foregoing Decision and Order in TP 27,067 was sent by priority mail with delivery confirmation, postage prepaid, this 8th **day of August, 2008,** to:

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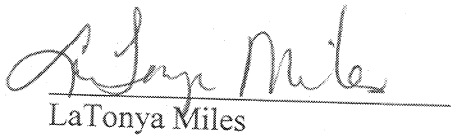

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